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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,346	07/07/1999	DAVID JOHN STACEY		6530

7590 10/23/2003

WILLIAM M. LEE JR.
LEE, MANN, SMITH, MCWILLIAMS,
SWEENEY & OHLSON
POST OFFICE BOX 2786
CHICAGO, IL 606902786

EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 10/23/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,346

Applicant(s)

STACEY ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 10-16 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,094,432) in view of Calamvokis (US 5,592,476).

Regarding claim 17, Jeong teaches a method and apparatus for transmitting a TDM data structure (fig. 1 T1/E1 transceiver, T1/E1 frame data, col. 7 lines 56-58) into an asynchronous network (fig. 1: SAR device for CBR traffic) and dispatching the cells into the asynchronous network at a substantially constant rate (CBR, col. 1 lines 10-19).

Jeong is silent on allocating credits to the data structure at a predetermined rate, comparing the accumulated total of credits for the data structure, and, when the total reaches a predetermined threshold, dispatching the cells.

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Calamvokis teaches, in a guaranteed bandwidth ATM environment, allocating credits to the data structure at a predetermined rate (col. 27 lines 58-63). Note, CBR is an example of a guaranteed bandwidth ATM environment.

Therefore it would have been obvious to one of ordinary skill in the art, having both Diaz and Calamvokis before him/her and with the teachings [a] as shown by Diaz, transmitting a TDM data structure into an asynchronous network and dispatching the cells into the asynchronous network at a substantially constant rate, and [b] as shown by Calamvokis, in a guaranteed bandwidth ATM environment, allocating credits to the data structure at a predetermined rate, to be motivated to modify the system of Diaz by incorporating the credit allocation algorithm of Calamvokis in the SAR device of Diaz. This modification can be performed in software. This would improve the system by ensuring that the reassembly of the TDM data into ATM cells occurs at the rate that the TDM data is arriving at the SAR device.

Regarding the limitation, when the accumulated total of credits for the data structure, and, when the total reaches a predetermined threshold, dispatching the cells, the examiner takes official notice that this step would be obvious for SAR into ATM cells. ATM cells are static length and have a data portion of 48 bytes. Therefore, it would be obvious to perform

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reassembly into ATM cells when the amount of accumulated data stored is a byte multiple of 48. This would improve the system by ensuring that all reassembled ATM cells contain the maximum amount of data possible.

Allowable Subject Matter

3. Claims 2-8 and 10-16 allowed.

4. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claims 2 and 10, nothing in the prior art of the record teaches or fairly suggests in system for converting TDM packets to ATM cells the step of assigning credits to a data structure according to the size of the data structure. In contrast, Calamvokis teaches in a guaranteed bandwidth ATM environment, allocating credits to the data structure at a predetermined rate.

Prior art is of record

5. The prior art is of record but not relied upon in the office action.

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Henrion (US 6,469,982) teaches issuing credits at a substantially constant rate and assigning credits to a data structure according to the size of the data structure (col. 20 lines 57-60).

Response to Arguments

6. Applicant's arguments with respect to claims 2-8 and 10-17 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant's contention that the combination of Saito and Ono is improper (applicant: pg 3 last paragraph).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Ronald Abelson
Examiner
Art Unit 2666



DANGTON
PRIMARY EXAMINER